

MINUTES

NEW YORK STATE RACING AND WAGERING BOARD

MEETING OF JULY 22, 2005

A meeting of the New York State Racing and Wagering Board was held on Friday, July 22, 2005 at 10:30 a.m. at the Racing & Wagering Board' s Albany Office located at 1 Watervliet Avenue Extension, Albany, New York.

The meeting was called to order at 10:45 a.m.

In Attendance Were:

Michael J. Hoblock, Jr., Chairman

Cheryl Buley, Member

John Cansdale, Executive Director

Gail Pronti, Secretary to the Board

Robert Feuerstein, General Counsel

Thomas Casaregola, Director of Audits and Investigations

Joseph Lynch, Chief of Racing Operations

Also in Attendance Were:

Megan Brown, Office of the Attorney General

Dianna Mendoza, NYSR&WB

Stacy Clifford, NYSR&WB

Daniel Toomey, NYSR&WB

Vivian Davis, NYSR&WB

Glenn Coin, Post Standard

Gary A. Greenberg, Vernon Downs

Deborah Deitsch-Perez, Esq.

Cliff Ehrlich, Monticello Raceway

Paul D' Onofrio, Monticello Raceway

Robert Hemsworth, Capital OTB

Dan Wray, New York City OTB

Ed Draves, BSJ

Giorgio DeRosa, BSJI

Marvin Newberg, Monticello Raceway

Richard Wigzell

Ron Tull, Horseman

OPEN COMMENT PERIOD:

Began 10:32 am. Deborah Deitsch-Perez, Esq., attorney for Shawn Scott, spoke regarding Item D-1. She stated that the denial of Shawn Scott's license application was improper and politically motivated. She stated that the decision was based on mistakes on Scott's application that were not material or intentional. She stated that Chairman Hoblock met with an investor, who wanted to buy Vernon Downs, and a couple of weeks later, Scott's license was denied. She also stated that the matter will be appealed to court if necessary.

At the end of the Board meeting, Ron Tull stated he had intended to address the Board concerning the Scott matter but arrived after the open comment period. However, he stated that since the matter had been decided he will not comment other than his comment that Scott should not be licensed based on his treatment of the community and Horsemen.

A. The Board approved the minutes of the Board meeting held on June 16, 2005.

B. ITEMS PREVIOUSLY APPROVED OR DEFERRED BY THE CHAIRMAN.

1. FINGER LAKES REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 16, 2005, approval was granted for the request by Finger Lakes to amend its simulcast plan of operation enabling the export of simulcasts during the year 2005 to Harrington Raceway in Delaware and to Portland Meadows in Oregon whenever permitted by the Racing Law.

2. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 16, 2005, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of simulcast from the 2005 race meeting at Colonial Downs in Virginia.

The out-of-state thoroughbred signals beginning Friday, June 17th along with the harness simulcast signals beginning Friday, September 16th may be utilized whenever permitted under the Racing Law.

3. MONTICELLO RACEWAY REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 23, 2005, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the import of the simulcast for the year 2005 from the Del Mar Thoroughbred Club in California and for the Claiming Crown championship races emanating from Canterbury Park in Minnesota on Saturday, July 16th.

These simulcasts may be utilized whenever in accordance with the Racing Law.

4. NASSAU OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 16, 2005, approval was granted for the request by Nassau OTB to amend its simulcast plan of operation enabling the import of simulcasts from The California Fairs during 2005 as listed within the application.

These imported simulcasts may be used whenever permitted under the Racing Law. This approval further extends to Suffolk Regional OTB.

5. NASSAU OTB REQUEST TO OFFER HANDICAPPING CONTEST - JULY

For entry into the minutes, on June 16, 2005, approval was granted for the request by Nassau OTB for a promotion involving a handicapping contest with entry fee on Saturday, July 23, 2005 to be conducted at the Race Palace Teletheater.

Among the races in this contest will be five NYRA simulcasts along with five other simulcasts from Arlington Race Course in Illinois, Calder Racecourse in Florida and/or Del Mar Race Course in California.

It is understood by the Board that this contest will be conducted per the submitted rules. All money collected as entry fees will be distributed as prizes. This approval is effective immediately.

6. NEW YORK CITY OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 23, 2005, approval was granted for the request by NYCOTB to amend its simulcast plan of operation enabling the import of simulcasts from the year 2005 harness race meeting conducted at Ocean Downs in the State of Maryland. The Ocean Downs simulcasts may be imported whenever permitted under the Racing Law.

7. CATSKILL REGIONAL OTB REQUEST TO SIMULCAST VARIOUS LOCATIONS IN 2005

For entry into the minutes, on June 23, 2005, approval was granted for the request by Catskill Regional OTB to amend its simulcast plan of operation enabling the import of simulcasts from the thoroughbred racetrack known as the Del Mar Race Course in California during its Summer year 2005 annual race meeting. This approval further extends to the Capital District, Nassau Downs, Suffolk Regional and Western Regional Off-Track Betting Corporations.

8. NEW YORK CITY OTB REQUEST FOR PROMOTION TO ESTABLISH PHONE ACCOUNTS

For entry into the minutes, on June 23, 2005, approval was granted for the request by NYCOTB to amend its plan of operation enabling a promotion to establish phone accounts with a twenty-five dollar (\$25.00) bonus to newly established account holders that open phone accounts at one of the six Bronx-area branches nearest Yonkers Raceway, as detailed in its June 21, 2005 promotion application submitted to the Board.

9. BUFFALO RACEWAY REQUEST FOR PROMOTION TO OFFER HANDICAPPING CONTEST

For entry into the minutes, on June 27, 2005, approval was granted for the request by Buffalo Raceway to amend its plan of operation by offering a promotional fee-based handicapping contest on Saturday evening July 9, 2005 entitled "The Buffalo Raceway Harness Handicapping Contest." This contest is to be administered with prizes awarded to the top four finishers in accordance with the rules as submitted to the Racing and Wagering Board.

10. NYRA REQUEST FOR PROMOTION TO OFFER HANDICAPPING CONTEST

For entry into the minutes, on June 28, 2005, approval was granted for the request by NYRA to conduct the 2005 Saratoga Race Course Spring SHOWdown Internet handicapping contest throughout the year 2005 Saratoga Race Course race meeting, Wednesday, July 27th through Monday, September 5th, with the condition of a ten dollar entry fee per contestant and all paid entry fees returned to the winners as outlined in the rules.

11. MONTICELLO RACEWAY REQUEST TO AMEND SIMULCAST PLAN OF OPERATIONS

For entry into the minutes, on July 1, 2005, approval was granted for the request by Monticello Raceway to amend its simulcast plan of operation enabling the continued import of the simulcasts from the New York Racing Association (NYRA) operated racetracks of Aqueduct Race Track, Belmont Park and Saratoga Race Course. The Board also approved the new agreement with Pompano Park in Florida for the import of simulcasts that originate in 2005-06 from the South Florida harness track.

12. NASSAU REGIONAL OTB REQUEST TO AMEND PLAN OF OPERATION- SIMULCASTS IMPORT

For entry into the minutes, on July 6, 2005, approval was granted for the request to amend the simulcast plan of operation enabling the Nassau Regional OTB to import the 2005 simulcast harness racing programs from the Delaware County Fair in Delaware, Ohio during their Grand Circuit harness race meeting scheduled from September 18th through September 22nd.

Also approved is the agreement with Freehold Raceway, a harness racetrack in New Jersey. These simulcasts may be imported and wagering conducted whenever in accordance with the Racing Law.

These approvals further extend to Suffolk Regional OTB.

13. NYRA REQUEST TO AMEND PLAN OF OPERATIONS - INTERMEDIATE & FINAL DISBURSALS OF THE DAILY PICK-SIX PARI-MUTUEL POOL

For entry into the minutes, on July 6, 2005, approval was granted for the request to amend the New York Racing Association plan of operation for the required 2005 disbursements of the entire pick-six pari-mutuel pools on the meet-ending dates of:

- Aqueduct – Sunday, May 1, 2005
- Belmont Park – Sunday, July 24, 2005
- Saratoga Race Course – Monday, September 5, 2005
- Belmont Park – Sunday, October 30, 2005
- Aqueduct – Saturday, December 31, 2005 (last day of the calendar year)

14. FINGER LAKES RACE TRACK REQUEST TO CONDUCT PROMOTIONS

For entry into the minutes, on July 7, 2005, approval was granted for the request by Finger Lakes to conduct the “ Cash Cube” promotion on Labor Day, September 5th per the submitted rules.

Also approved is the fee-based handicapping contest scheduled for Saturday, September 17th to be conducted per the submitted rules with a requirement that a list of winners must be made available to the general public.

The promotions as presented for the Portable Stereo Giveaway (July 16th), Old Fashioned Day (July 24th) and The Picnic in the Pavilion (September 5th) are acknowledged and do not require the approval of the Racing and Wagering Board.

15. CATSKILL REGIONAL OTB – AMENDMENT TO PLAN OF OPERATIONS- SIMULCASTS PROMOTION

For entry into the minutes, on July 8, 2005, approval was granted for the request Promotion submitted by the management of Catskill Regional OTB to offer advertisements that can be turned into four dollar (\$4.00) wagering vouchers as outlined in the June 30th request.

C. ITEMS PREVIOUSLY APPROVED, DENIED OR DEFERRED BY THE BOARD

1. MONTICELLO RACEWAY REQUEST TO AMEND PLAN OF OPERATIONS

For entry into the minutes, on June 30, 2005, the Board denied the request by Monticello Raceway to amend its plan of operation by adding a thirteenth race on all race cards and directed Monticello Raceway to scale back the Monday and Tuesday race cards to a maximum of twelve races on its daily program of offered races. With the recent experiment with the 13 races on Mondays and Tuesdays, the average number of samples obtained for drug testing has fallen below an acceptable number.

The request to have nine horse fields in all races was also denied due to opposition from the Monticello Harness Horsemen' s Association and the Board' s two most recent Presiding Judges that were assigned to Monticello Raceway. All have expressed a concern for " safety" that is compromised by having an extra horse within any given race.

2. NOTICE OF ADOPTION - AMENDMENT PICK-SIX RULE – 4011.23

For entry into the minutes, on June 30, 2005, the Board approved the request for additional amendments to Section 4011.23. On March 15, 2005 the Board had approved staff' s recommendation that several small text amendments be made, in keeping with the original intent of the revision.

This current change will ensure consistently throughout the text that a pick-six bettor will receive a distribution from the 75 percent net pool as a winner, not only when the bettor chooses all six horses on his winning ticket, but also when a bettor has selected five winners and has the sixth as an " all win" selection. An " all win" situation will occur in instances where there has been a track surface change, from the turf to the dirt, after the close of the bet. This is the intent of the amendment in subparagraph (h).

D. ITEMS TO BE APPROVED, DENIED OR DEFERRED BY THE BOARD

1. IN THE MATTER OF SHAWN SCOTT

The Board affirmed the refusal to license Shawn Scott Shawn Scott in the category of harness racing track management based upon false statements made in connection with his license application and because his experience, character and general fitness are such that his participation in racing would be inconsistent with the public interest, convenience or necessity, or with the best interests of racing generally, and adopted the Hearing Officer's recommended findings of fact and conclusions of law except as set forth below by making the following modifications or additions to the recommended findings of fact and conclusions of law:

- a. The basis for the refusal to license cannot exceed the scope of the more definite statement, contained in the record of the proceeding, and submitted in support of the license refusal.
- b. Finding of Fact #4 and the related Conclusions of Law are modified to the extent of deleting any adverse findings based upon the 1998 tax return of American International Development, Inc., as well as any adverse finding based upon the 1999 tax return of American International Development, Inc., except insofar as the 1999 matter bears adversely on credibility.
- c. Finding of Fact #5 and the related Conclusions of Law are modified to the extent of deleting any adverse findings based upon the 2001 ownership of US Funding LLC, except insofar as this matter bears adversely on credibility.
- d. Finding of Fact #9 and Conclusion of Law #2 are modified to the extent of deleting entirely the matter of Mr. Scott' s association with Hoolae Paoa as a specific basis to support the license refusal, provided, however, that the testimony of Mr. Paoa was properly considered with regard to credibility.
- e. The record contains adequate credible proof to substantiate all of the reasons advanced in support of the refusal to license on the basis that Mr. Scott' s experience, character and general fitness are such that his participation in racing would be inconsistent with the public interest, convenience or necessity, or with the best interests of racing generally.

2. IN THE MATTER OF JAMIE DUNLAP

The Board approved Hearing Officer Russell H. Baller, Jr.' s recommendation that Jamie Dunlap' s license to participate in pari-mutuel harness racing as a driver be revoked with the provision that he may reapply upon demonstrating that he has the problem of illegal substance abuse under control.

3. IN THE MATTER OF ALICE ALLEN

The Board approved Hearing Officer Russell H. Baller, Jr.' s recommendation that the fine of \$100 for harness owner-groom licensee Alice Allen be sustained for conduct in violation of Board Rules 4119.1 and 4119.2, but that her the paddock privileges be restored.

4. IN THE MATTER OF ERNEST PARAGALLO

The Board approved Hearing Officer Russell H. Baller, Jr.' s recommendation that Ernest Paragallo' s license be revoked based on violation of Rules 4002.9 and 4002.19 and that he be allowed to reapply for a license upon submission of proof that he has satisfied the remaining unpaid judgment.

5. IN THE MATTER OF NORBERTO ARROYO

The Board approved Hearing Officer Baller's recommendation that the decision of the State Steward that Norberto Arroyo committed careless riding during the running of the ninth race at Aqueduct Racetrack on March 11, 2004, in violation of Board Rule 4035.2 be affirmed. The Board modified the ten-day license suspension imposed by the State Steward to be a fifteen-day license suspension based on Mr. Arroyo's history of repeated violations and the need for deterrence in order to better assure safety and the confidence of the wagering public.

6. IN THE MATTER OF JORGE G. BRACHO

The Board approved Hearing Officer Creighton Brittell' s recommendation that both the violation and penalty suspending Mr. Bracho' s license for twelve (12) days based on a charge of interference (careless riding) during the eighth race on October 29, 2004, at Finger Lakes Race Track, in violation of Board Rule 4035.2 be upheld.

7. IN THE MATTER OF DAVID DYLO

The Board approved Hearing Officer Creighton Brittel' s recommendation that the refusal to license harness racing food service applicant David Dylo be upheld with provision for reapplication upon satisfactory evidence of rehabilitation and other stated conditions. The refusal was based upon violation of Board Rule 4119.11 and experience, character and general fitness such that Mr. Dylo' s participation in racing or related activities would be inconsistent with the public interest, convenience or necessity, or with the best interests of racing generally.

8. WESTERN OTB REQUEST TO AMEND PLAN OF OPERATIONS – BATAVIA DOWNS

The Board approved the request by WROTB to amend the Batavia Downs plan of operation for the addition of the three (3) racing dates to its 2005 schedule. These dates consist of live

racing cards during September on Wednesday, September 7th, Thursday, September 8th and Wednesday, September 14th.

9. FINGER LAKES RACING TO WITHDRAW FROM CIF - \$76,989.85

The Board approved the June 22, 2005 request by Finger Lakes Racing Association (Finger Lakes) to withdraw \$76,989.85 from the Capital Improvement Fund for the following Capital Improvement Expenditures:

Other (8%)

Water pump for GMC water truck	\$ 874.28
Video Crawl software	3,217.50
Burnisher	985.33
Ceiling Tile – Paddock Barn	<u>996.19</u>
Total Other	\$6,073.30

Backstretch (92%)

Rebuild Starting Gate	\$ 5,628.25
Racing Office project	1,105.21
Radio System for Clockers	946.48
Used Ambulance	24,968.93
Tires for Ambulance	444.36
Infield Drainage	9,885.23
Electrical Upgrade - Dorms	<u>27,938.09</u>
Total Backstretch	<u>\$ 70,916.55</u>

Total Approved \$ 76,989.85

10. MONTICELLO RACEWAY TRACK LICENSE APPLICATION FOR 2005

On July 22, 2005, the New York State Racing and Wagering Board deferred action on the Monticello Raceway track and simulcast license applications for 2005 pending receipt of a fully executed horsemen' s agreement, a review of " shareholder suitability" and corporate structure/financing. The Board did not assign the racing programs requested for the month of August 2005.

The Board met with representatives of Monticello Raceway management and the Monticello Harness Horsemen' s Association, Inc. concerning the lack of a horsemen' s agreement and why the track and simulcast applications should not be denied in the absence of a horsemen' s agreement.

The Board will consider further action concerning this matter on July 29, 2005.

Monticello Raceway may remain operational on the continuing rights of the 2004 track and simulcast license. However, continuing rights are conditioned upon the following:

- * Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. All contracts for sites to receive New York simulcasts must provide that such receiving sites not rebate *in cash* on New York races.
 - b. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.

- c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board.

Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.

- d. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

- * An SAS- 70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2005.
- * The name, address, social security number and date of birth must be obtained from each individual who opens a wagering account (i.e. temporary wagering account, day account, telephone wagering account, etc.) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

11. MONTICELLO RACEWAY SIMULCAST LICENSE APPLICATION FOR 2005

See Board Item number ten above.

12. SARATOGA HARNESS TRACK LICENSE APPLICATION FOR 2005

On July 22, 2005, the New York State Racing and Wagering Board approved the Saratoga Harness track and simulcast license applications for 2005. The Board assigned the racing programs requested for August through the remainder of the year.

The 2005 track and simulcast licenses are conditioned upon the following:

- * Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. All contracts for sites to receive New York simulcasts must provide that such receiving sites not rebate *in cash* on New York races.
 - b. Retransmission of your simulcast signal by authorized recipients to secondary recipients is not allowable without disclosure within the contract of the names and locations of all secondary recipients.
 - c. The Board has the authority to audit the out-of-state receiving site's books and records (including all secondary sites that receive your simulcast) and must be noted in any simulcast agreement entered into for your simulcast signal. Included within the agreement must be reference that the guest shall permit inspection of the totalizator facilities at the site where guest's wagers are subject to commingling and all related totalizator books and records by a representative of the host or of the host's Board. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - d. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties, including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

- * An SAS- 70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2005.

- * The name, address, social security number and date of birth must be obtained from each individual who opens a wagering account (i.e. temporary wagering account, day account, telephone wagering account, etc.) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

13. SARATOGA HARNESS SIMULCAST LICENSE APPLICATION FOR 2005

See Board Item number twelve above.

14. CAPITAL OTB SIMULCAST LICENSE APPLICATION FOR 2005

On July 22, 2005, the New York State Racing and Wagering Board approved the 2005 simulcast license application of the Capital District Regional OTB. This license includes forty-two (42) simulcast branches, thirty-one (31) operating EZ-Bet branches, one (1) special demonstration project and one (1) teletheater facility.

The 2005 track and simulcast licenses are conditioned upon the following:

- * Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2005.
 - b. The name, address, social security number and date of birth must be obtained from each individual who opens a wagering account (i.e., temporary wagering account, day account, telephone wagering account, etc.) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

15. NASSAU OTB SIMULCAST LICENSE APPLICATION FOR 2005

On July 22, 2005, the New York State Racing and Wagering Board deferred action on the Nassau OTB simulcast license application for 2005 pending Nassau OTB's compliance with application of the surcharge to "day accounts" as specified below and pending further Board staff analysis with regard to identifying information for "day account" users.

On June 22, 2005, the Board had directed that surcharge be applied to winning wagers placed by use of "day accounts" at all facilities other than the Teletheater except when the "day account" is used specifically to place wagers through the Nassau OTB telephone wagering system.

On July 22, 2005, the Board directed the Office of Counsel to issue an Order to Show Cause requiring Nassau OTB to show cause why its simulcast license should not be suspended or revoked based upon failure to comply with the substance of the Board's order.

The Board will consider further action at the next Board meeting.

Nassau OTB may remain operational on the continuing rights of the 2004 simulcast license. However, continuing rights are conditioned upon the following:

- * Compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and orders and directives of the New York State Racing and Wagering Board. These include but are not limited to the following:
 - a. Names and contact telephone numbers and/or addresses of managers at all pari-mutuel "hubs" used in the course of your simulcast transactions, if not included within individual contracts, must be supplied to the Board.
 - b. Any agreement which you are party to is subject to the requirements of the host and guest states with any provision mandated by either Commission or Board with such provisions specifically incorporated into contract by reference. Both parties,

including any Secondary Recipients, shall comply with the provisions of all-applicable Federal, State and local laws and regulations.

- * An SAS-70 Type II audit is to be performed for the current licensing period on the totalizator operations utilized and located at your facility. The report is to be filed with the Board no later than October 31, 2005.

- * The name, address, social security number and date of birth must be obtained from each individual who opens a wagering account (i.e. temporary wagering account, day account, telephone wagering account, etc.) and the account number they have been assigned. Information is to be maintained for three years and made available to Board staff upon request.

16. NYRA – REQUEST TO CONDUCT WAGERING OPPORTUNITY - GRAND SLAM

On July 22, 2005, the New York State Racing and Wagering Board approved a rulemaking proposal in relation to the wagering request by the New York Racing Association to offer a new type of exotic bet called the Grand Slam. The proposed rules for both thoroughbred and harness racing will be filed with the Governor's Office of Regulatory Reform. Once approval is received for publication of the proposed rules in the New York State Register, the rules will be published with a period for public comment. If adopted after this process, the rules would become effective and the Grand Slam wager could be implemented after required testing by the New York State Department of Taxation and Finance, and Board approval.

17. SYRACUSE MILE TRACK LICENSE APPLICATION FOR 2005

On July 22, 2005, the New York State Racing and Wagering Board approved the Syracuse Mile track license application for 2005. This license includes six (6) race dates, August 12, 13, 14, 19, 20 and 21, with hours of wagering from 1:00 – 6:00 p.m.

The 2005 track license is conditioned upon compliance with all applicable provisions of the Racing, Pari-Mutuel Wagering and Breeding Law, Board rules and regulations, and the requirements set forth in the track license applications.

E. ITEMS FOR BOARD INFORMATION/DISCUSSION

1. GAMES OF CHANCE – BELL JAR TICKETS – JULY – 07/05-57-E

STIPULATION AGREEMENT IN THE MATTER OF ROME POLISH HOME, INC. (M.O. #05-95)

2. LICENSING – CURRENT RACING LICENSING COUNT AS OF JUNE 2005 – 07/05-60-E

The current racing licensing counts as of June 30, 2005 are as follows: total receipts 8288 and total licenses 5423 for the year 2005.

3. GAMES OF CHANCE/BINGO REGISTRATION NUMBERS – 07/05-65-E

List of Games of Chance and Bingo Registration Numbers authorized/denied by the Charitable Gaming Unit between June 7 - July 7, 2005.

4. GAMES OF CHANCE – BELL JAR TICKETS – 07/05-66-E

List of bell jar ticket authorized/denied by the Charitable Gaming Unit between June 7 – July 7, 2005

5. INDIAN GAMING - LICENSING STATISTICS – 07/05-67-E

Licensing statistics for June 1, 2005 through June 30, 2005. Also included are the certifications for Mohawk, Seneca Allegany, Seneca Niagara and Oneida

F. FOLLOW-UP ON ITEMS PREVIOUSLY APPROVED

CONDITIONS MET _____

1. NYRA/FINGER LAKES – PAYMENTS ON OUT

Date:

OF STATE THOROUGHBRED RACES

Conditioned date: 6/16/05

1017.1(b)(5)(D) & 1017.1 (b)(6)(D)

Directed that written notification be provided to the Board by FLRA and NYRA within sixty (60) days of the date of letter (2/8/05) concerning the status of this matter and any agreement affecting the disposition of these supplemental commissions.

Payment in the amount of \$2,849,668, representing the aggregate net payment, be made by FLRA to NYRA immediately on or before July 17, 2005 unless FLRA and NYRA achieve a resolution affecting payment by settlement, compromise or otherwise prior to that date.

CONDITIONS MET _____

2. NYRA REQUEST TO AMEND RACING

Date:

OFFICIALS – SIMONCINI

Conditioned date: 4/13/05

Conditioned upon a satisfactory suitability check by Audits & Investigations.

CONDITIONS MET _____

3. FINGER LAKES REQUEST FOR

Date:

ADDITION OF RACING OFFICIAL - COMBS

Conditioned date: May 6, 2005

This approval is conditioned upon the background check of Donald E. Combs.

The meeting was adjourned at 12:00 p.m.